

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STEPHAN M. AYRES AND
ANGELA AYRES

v.

OCWEN LOAN SERVICING LLC, ET AL.

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Civil No. CCB-13-1597


MEMORANDUM

This case has been remanded by the Fourth Circuit for a clarifying order that expressly grants defendants' cross motion for summary judgment on Count I (plaintiffs' Maryland Consumer Debt Collection Act claim) and Count VI (plaintiffs' claim for declaratory judgment). Judge Motz previously held that "there was no evidence that defendants made any misrepresentation with actual knowledge or with reckless disregard to the falsity of the asserted right." This is dispositive of the MCDCA claim.

The declaratory judgment act claim is barred under Section 3-409(b) of the Declaratory Judgment Act because a special form of remedy is otherwise provided by statute.

A clarifying order is being entered herewith.

Date: October 23, 2017



Catherine C. Blake
United States District Judge